

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/018,101	AUGELLI-SZAFRAN ET AL.
	Examiner Zinna Northington Davis	Art Unit 1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Information Disclosure Statement filed March 18, 2002.
2.  The allowed claim(s) is/are 1-14, respectively.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 03/18/02
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Martin on March 8, 2005.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-14, drawn to a chemical compound, a pharmaceutical composition and a method of treating using a compound of formula (I), classified in 548/ various subclasses.

Group II: Claim 15, drawn to a method of inhibiting the aggregation of amyloid proteins to form amyloid deposits using a compound of formula I, classified in 530/ various subclasses.

Group III: Claims 16- 19, drawn to a method of imaging amyloid deposits using a compound of formula I, classified in 530/ various subclasses.

Inventions I-III are related as only process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP, 806.05(h)). In the instant case, the claims are drafted as various method of using. See claims 1, 15, and 16.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. John Martin on March 8, 2005 a provisional election was made *without* traverse to prosecute the invention of Group I, claims 1-14. Claims 15-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
5. The application has been amended as follows:

- A. At page 1, of the specification, the continuing data has been included as follows:

**CONTINUING DATA**

This application is a 371 of International Application PCT/US00/15073 filed May 31, 2000, which has priority to Provisional Application No. 60/138,543 filed June 10, 1999.

- B. Claims 15-19 have been cancelled.
  - C. At claims 1 and 7, the term, "Compounds" has been amended in favor of the term "A compound".
  - D. At claims 8, 9, 10, 11, and 12, 1<sup>st</sup> line, the phrase, "The compounds" has been amended in favor of the phrase "A compound selected from".
  - E. At claim 11, page 55, line 4, the term "and" has been amended in favor of the term "or".

**REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

6. Applicants preserve the right to file divisional applications drawn to the non-elected subject matter of claims 15-19.
7. The changes made by Examiner's Amendment are editorial in nature. The changes are not made to avoid any possible rejections based upon prior art.
8. The Information Disclosure Statement filed March 18, 2002 has been considered. The references alone or in combination forms do not teach nor suggest structurally similar compounds as those instantly claimed. Accordingly, claims 1-14 are allowed.
9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna N. Davis whose telephone number is 571-272-0682.

  
Zinna Northington Davis  
Primary Examiner  
Group 1600-AU 1625